

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend specific sections of R.61-68, Water Classifications and Standards (R.61-68) and R.61-69, Classified Waters (R.61-69). Interested persons are invited to submit their comments and recommendations in writing to Gina Kirkland, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201 or via email at kirklagl@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on May 23, 2011, the close of the drafting comment period.

Synopsis:

The Department proposes to replace the fecal coliform bacteriological indicator used for the protection of recreational uses in freshwaters with *E. coli*. The Department issued a notice last year concerning this effort; however, the effort was tabled due to time constraints and the Department is now ready to move forward with this initiative. The Department also proposes, where appropriate, to clarify implementation details with respect to the freshwater bacteriological indicator for National Pollutant Discharge Elimination System (NPDES) permits, ambient water quality assessment, and Total Maximum Daily Load (TMDL) development. The Department is also considering clarifying the enterococci bacteriological indicator for the protection of recreational uses in Class SA, Class SB, and Shellfish Harvesting (SFH) waters and, where appropriate, to clarify implementation details for NPDES permits, ambient water quality assessment, and TMDL development. The Freshwaters (FW) classification may be revised to include subclasses of recreational uses based on the frequency of use. All subclasses will continue to support recreational uses for both primary and secondary contact.

The Department proposes to amend R.61-69 to include any changes made to the FW classification found in R.61-68 to be consistent in both regulations. The Department also plans to reformat R.61-69 in order to modify language to make it consistent throughout and easier to read. We also plan to make corrections to the text to make the document more accurately reflect the waters of the State and this includes adding waters that have not been previously listed in the regulation. The Department will be replacing R.61-69 in its entirety.

Legislative review will be required.